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Dated: June 17, 2002

Signature: *Lisa de Cordova*Docket No.: 47586/P062US/10026079
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Piu B. Wong, et al.

Application No.: 09/874,932

Group Art Unit: 2681

Filed: June 5, 2001

Examiner: Not Yet Assigned

For: DIRECTED MAXIMUM RATIO COMBINING
METHODS FOR HIGH DATA RATE
TRAFFIC

FAX RECEIVED

JUN 17 2002

PETITIONS OFFICE

STATEMENT IN SUPPORT OF PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Frances Hicks, Office of Petitions
Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to your June 15, 2002 fax letter, Applicant respectfully submits the following statement in support of its Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b), which was filed March 1, 2002.

International patent application PCT/US01/41371 was filed on July 13, 2001 with priority to provisional application 60/218,905 filed July 18, 2000 and U.S. non-provisional application 09/874,932 filed June 5, 2001.

Please note that in order to implement the new PTO rules, which went into effect November 7, 2000, our staff has been instructed to docket a "Rescind Non-Publication" at 11 months after the filing date of a U.S. patent application. At the 11-month date, the client's foreign filing instructions are to be reviewed and, if necessary, a foreign counterpart application filed and the Non-Publication Request rescinded.

United States non-provisional application 09/874,932 was filed June 5, 2001, and a docket entry was made for reviewing the file regarding foreign filing and rescinding the non-publication request for May 5, 2001 (see attached). Whereas PCT/US01/41371 was later filed with priority to the provisional application filing date, the docket clerk did not check the foreign application against the non-provisional application. Therefore, a Request to Rescind

Application No.: 09/874,932

Docket No.: 47586/P062US/10026079

Non-Publication was not timely filed in U.S. 09/874,932.

In light of the above discovered error in docketing procedures, attorneys for Applicant have amended their procedure to include that, in addition to the 11-month "Rescind Non-Publication" docket entry, the docket clerk shall check all application files to which priority is claimed in a foreign patent application and, if a Non-publication Request has been filed in a non-provisional application, he/she will forward the file to a legal assistant to prepare and file a Request to Rescind Non-Publication as soon as possible, but no later than 45 days after date of foreign filing.


Upon reviewing application 09/874,932 for our client's instructions regarding foreign filing in March 2002 (9-months after the filing date) the error was found, and we promptly filed the Petition to Revive.

If a telephone conference is deemed helpful in expediting the processing of the petition, please contact the attorney below.

Dated: June 17, 2002

Respectfully submitted,

By



R. Ross Viguet

Registration No.: 42,203

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FACSIMILE TRANSMISSION**DATE:** June 17, 2002**MATTER NUMBER:**

10026076

NAME:	FAX No.:	PHONE No.:
Frances Hicks, Office of Petitions Commissioner for Patents	703-308-6916	703-305-8680

FAX RECEIVED**JUN 17 2002****PETITIONS OFFICE****FROM:** R. Ross Viguet**USER ID:**

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26

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RE: Statement in Support of Petition to Revive.**NUMBER OF PAGES WITH COVER PAGE:**

4

Message:**PTO Identifier: Applicaton No.: 09/874,932****Filed: June 5, 2001****Inventor: Piu B. Wong et al.****Atty. Docket No.: 47586/P062US/10026079****CAUTION - CONFIDENTIAL**

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

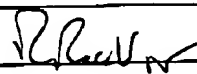
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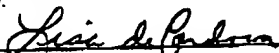
TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/874,932
		Filing Date	June 5, 2001
		First Named Inventor	Piu B. Wong
		Group Art Unit	2681
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	3	Attorney Docket Number	47586/P062US/10026079

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Statement in Support of Petition To Revive Under 37 CFR 1.137(b)
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual Name	FULBRIGHT & JAWORSKI L.L.P. R. Ross Viguat	
Signature		
Date	June 17, 2002	

Transmittal	
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Dated: June 17, 2002	Signature:  (Lisa de Cordova)